



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

INDYMAC BANK, F.S.B.,

Plaintiff,

– against –

NATIONAL SETTLEMENT AGENCY, INC.;  
STEVEN M. LEFF; RACHEL M. LEFF;  
RICHARD A. LEFF; JOHN DOES 1–100,

Defendants.

---

Case No.: 07 cv 6865 (LTS)

**DECLARATION OF ERIC  
WEINSTEIN IN SUPPORT OF THE  
ORDER TO SHOW CAUSE FOR AN  
ORDER OF ATTACHMENT AND  
PRELIMINARY INJUNCTION WITH  
TEMPORARY RESTRAINTS  
AGAINST RACHEL LEFF**

Eric Weinstein, pursuant to 28 U.S.C. § 1746, declares and states under penalty of perjury as follows:

1. I am a partner with the firm Feldman Weinstein & Smith LLP, attorneys for plaintiff IndyMac Bank, F.S.B. (“IndyMac”). I submit this declaration in support of IndyMac’s *ex parte* application by order to show cause for an order of attachment, preliminary injunction with temporary restraints, and order allowing expedited discovery against Rachel Leff. A proposed order of attachment is annexed as Exhibit A.

2. At the hearing held before the Honorable Kimba M. Wood on August 7, 2007 (pursuant to the prior, August 6th order to show cause against all defendants), IndyMac agreed to forebear, in part, in its request for injunctive relief against defendants Rachel and Richard Leff. Afterwards, IndyMac took the deposition of Richard Leff and subpoenaed J.P. Morgan Chase for documents, some of which have been provided. As outlined below, IndyMac now believes there is ample support for the injunctive relief requested herein against Rachel Leff.

3. The documents indicate that Rachel Leff is the sole signatory on an individual Chase account titled "Rachel M. Leff" no. [REDACTED] 5265 (the "5265 Account"). A copy of the signature card and application is annexed as Exhibit B.

4. The monthly statements for the National Settlement Agency Escrow Funding Account show large-scale, online transfers from that account into Rachel Leff's 5265 Account, to wit: \$400,000.00 on May 24, 2007; and \$230,000.00 on June 22, 2007. The pages showing those transfers are annexed as Exhibit C.

5. The monthly statements for the National Settlement Agency Lydian Funding Account show large-scale, online transfers into that account from Rachel Leff's 5265 Account, to wit: \$398,390.00 on June 18 2007; \$346,000.00 and another \$116,000.00 on June 22, 2007; \$18,340.35 and another \$5,000.00 on June 25, 2007; and \$40,000.00 on June 26, 2007. The pages showing those transfers are annexed as Exhibit D.

6. The primary ground for attachment against Rachel Leff is that she resides out-of-state. (CPLR 6201(1); see accompanying memorandum of law). Although the Chase account statements for Rachel Leff's 5265 Account indicate that she resides at 15 Anvil Court, East Hampton, New York, that house appears not to have been her primary residence. According to Richard Leff, (i) the East Hampton house was a summer house, (ii) his brother and sister-in-law (Steven and Rachel Leff) lived in a rental apartment on East 82nd Street in Manhattan, but (iii) they are now involved in a divorce, (iv) Rachel moved to Florida, and (v) Steven is renting an apartment at Trump World Tower in Manhattan. Relevant pages from Richard Leff's deposition transcript are annexed as Exhibit E.

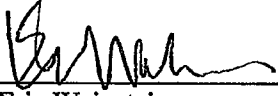
7. Rachel Leff's attorney in the divorce proceeding, Lawrence Morrison, agreed to accept service of the summons and complaint in this action on his client's behalf. Although he

has not agreed to accept service of any subsequent orders, I respectfully request that the Court permit IndyMac to serve the Order to Show Cause through him, while making diligent efforts to serve Rachel Leff until she appears herself or through counsel.

8. Notice of this application for a temporary restraining order has not been given to Rachel Leff because of IndyMac's belief that if such notice were given, she would take efforts to secrete and hide monies entrusted to National Settlement Agency, Inc. that may have been intermingled with her personal assets.

9. IndyMac therefore respectfully requests that this court "so order" the accompanying Order to Show Cause setting a hearing date on IndyMac's application for an order of attachment and preliminary injunction with temporary restraints against Rachel Leff, with service of the papers upon her attorney, Lawrence Morrison.

Dated: New York, New York  
August 16, 2007

  
Eric Weinstein

**EXHIBIT A**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

INDYMAC BANK, F.S.B.,

Plaintiff,

– against –

NATIONAL SETTLEMENT AGENCY, INC.;  
STEVEN M. LEFF; RACHEL M. LEFF;  
RICHARD A. LEFF; JOHN DOES 1–100,

Defendants.

Case No.: 07 cv 6865 (LTS)

**ORDER OF ATTACHMENT,  
PRELIMINARY INJUNCTION,  
AND ORDER ALLOWING  
EXPEDITED DISCOVERY**

**AS AGAINST RACHEL M. LEFF**

---

UPON plaintiff IndyMac Bank, F.S.B.'s Order to Show Cause dated August 16, 2007, the Affidavit of Nicholas J. Nyland sworn to August 1, 2007, the Declaration of Eric Weinstein dated August 16, 2007, and the Memorandum of Law dated August 16, 2007, and due deliberation being had thereon;

AND plaintiff having filed a Summons and Complaint on July 31, 2007 and the Order to Show Cause having been filed on \_\_\_\_\_ requiring Rachel M. Leff to show cause why the following orders should not be entered: (1) an order of attachment pursuant to Fed. R. Civ. P. 64 and C.P.L.R. § 6201, (2) a preliminary injunction pursuant to Fed. R. Civ. P. 65; and (3) an order allowing expedited discovery against Rachel M. Leff;

AND plaintiff having filed an undertaking in the sum of \$10,000 pursuant to the Order to Show Cause dated August 6, 2007;

AND Rachel M. Leff having been served on \_\_\_\_\_ with the Order to Show Cause dated August 16, 2007, directing her to appear before this court on this day;

**AND** the plaintiff having appeared before this Court on \_\_\_\_\_ and Rachel M. Leff having \_\_\_\_\_;

**AND** the Court having determined, pursuant to Fed. R. Civ. P. 64 and C.P.L.R. §§ 6201(3) and 6212 that: (a) plaintiff has causes of action whereby it has demanded and would be entitled to a money judgment against Rachel M. Leff in the amount of \$2,349,150.00, plus interest, costs, and disbursements, (b) it is probable that the plaintiff will succeed on the merits of its claims against Rachel M. Leff, (c) Rachel M. Leff with intent to defraud the plaintiff or frustrate the enforcement of a judgment that might be rendered in the plaintiff's favor, has assigned, disposed of, and secreted property, and is about to continue such acts, and (d) the amount demanded from Rachel M. Leff exceeds all counterclaims known to the plaintiff;

**IT IS HEREBY ORDERED THAT** the amount to be secured by this Order of Attachment shall be \$2,349,150.00 plus the legal rate of interest thereon from June 13, 2007, costs, and United States Marshals Service's fees and expenses; and it is further

**ORDERED** that, pursuant to Fed. R. Civ. P. 64 and C.P.L.R. §§ 6210 & 6211(a), the United States Marshals Service of the Southern District of New York or of any district in the State of New York shall levy, at any time before final judgment, upon the assets of Rachel M. Leff situated in the State of New York, including but not limited to, any interest of Rachel M. Leff in personal or real property, any debt owed to Rachel M. Leff, or any investment accounts and investments, including commercial paper, which any third-party (including JP Morgan Chase) keeps in trust or possession for the benefit of Rachel M. Leff, Samuel (Sam or Sammy) Leff, or Ryan Leff, as will satisfy the above-stated amount to be secured by this Order of Attachment; and it is further

**ORDERED** that, pursuant to Fed. R. Civ. P. 64 and C.P.L.R. § 6220, on or before

\_\_\_\_\_ Rachel M. Leff shall provide counsel for plaintiff a sworn affidavit enumerating in detail each and every bank account, investment account, investment, commercial paper, parcel of real property, motor vehicle, watercraft, or other personal property of \$10,000 of value or more, whether held personally or in trust, and the location and garnishee of each; and it is further

**ORDERED** that, pending the final resolution of this action, or an Order of this Court directing otherwise, Rachel M. Leff, acting in her personal capacity or as custodian or trustee, and her garnishees, officers, directors, partners, affiliates, agents, employees, assigns, and any entities or individuals acting on her behalf, are restrained and enjoined from directly or indirectly secreting, transferring, selling, alienating, concealing, encumbering, or otherwise dissipating any of Rachel Leff's assets, or paying any debt owed by Rachel Leff, up to \$2,349,150.00 plus interest, costs, disbursements, and fees, but excluding ordinary and usual living and business expenses; and it is further

**ORDERED** that the plaintiff may immediately begin taking discovery from Rachel M. Leff.


Dated: New York, New York

SO ORDERED: \_\_\_\_\_

United States District Judge

**FELDMAN WEINSTEIN & SMITH LLP**  
Attorneys for Plaintiff IndyMac Bank, F.S.B.

By: \_\_\_\_\_

  
Eric Weinstein (EW 5423)  
Yong Hak Kim (Of Counsel)  
David J. Galalis (DG 1654)  
420 Lexington Avenue, Ste. 2620  
New York, NY 10170  
(212) 869-7000





JPMorgan Chase Bank, NA

## PERSONAL SIGNATURE CARD AND APPLICATION

BRANCH COPY

Account Title	RACHEL M LEFF	Primary Customer Information
(Accounts with multiple owners are joint, payable to either owner or the survivor.)	15 ANVIL CT EAST HAMPTON NY 11937-6401	Employer FASHION STYLIST Home Ph (516)798-0907 Bus Ph (212)605-0475
Account #	REDACTED 52-65	Maiden Name KARIVIA
Account Type	SELECT CHECKING W/INTEREST	Birth Date 1973 SS#/TIN REDACTED 6292
Account Arr	INDIVIDUAL	
SS#/TIN	REDACTED 6292	
Date Opened	09/14/2005	
Opened By	JARETT J ELION	
Deposit Amt	\$ 0.10	
IMAGED CHECKS		

## This Account Is Not Transferable

Please activate Check Coverage for the account listed above. I/we authorize you to integrate and use as the 'Protecting Account(s)' the account(s) identified above on this application. I/we agree to the terms and conditions as contained in the Deposit Account Agreement and Disclosures.

I/we agree that I/we have reviewed the information contained in this Personal Signature Card and Application and find it accurate on this date. In the payment of funds and in the transaction of all other business relative to this account, I/we agree that you are authorized to rely upon the signature(s) written below and on the reverse side. I/we have received and agree to the terms and conditions of the Deposit Account Agreement and Disclosures currently in effect and as may be amended for the type of account and services I/we selected above. If I/we do not have a Chase Banking Card, I/we will be issued one/two and all eligible accounts will be linked to it/them. These linked accounts, whether singly or jointly owned, can be accessed by the Chase Banking Card or by telephone. During the review of my/our application, you may obtain a consumer report on me/us and if the application is approved, you may at any time in the future obtain additional consumer reports to review my/our account. I/we have the right to ask for the name and address of the consumer reporting agency which gave the consumer report.

Primary Applicant Signature X <i>Rachel M Leff</i>	Joint Applicant Signature X
---	--------------------------------

## W9 Certification

By signing below, I certify under penalties of perjury that: (1) The number shown on this form is my correct taxpayer identification number and (2) I am not subject to backup withholding because (a) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (b) the IRS has notified me that I am no longer subject to backup withholding; and, (3) I am a U.S. person (including a U.S. resident alien).

☐ Check here if you are subject to backup withholding for failure to report interest or dividends.

☐ Check here if you are not a U.S. person (or a U.S. resident alien), and complete the appropriate Form W-8.

Primary Applicant Signature X <i>Rachel M Leff</i>	Joint Applicant Signature X
---	--------------------------------

Check Imaging or No Checks With Statement: I/we authorize you not to return paid checks with my/our account statements. If I/we selected the Check Imaging option, I/we agree to receive images (front only) of my/our paid checks. I/we agree that the account statement will contain information about each check paid, including check number, dollar amount and date paid, thereby enabling a proper reconciliation of the account. Upon request, photocopies of checks will be provided. You will not retain original checks.

Primary Applicant Signature X <i>Rachel M Leff</i>	Joint Applicant Signature X
---	--------------------------------

BRANCH COPY: Retain card in branch for one year after account closes. Then send to Pawling for additional retention of five years.

<b>POWER OF ATTORNEY INFORMATION</b>		<b>DATE POWER OF ATTORNEY RECEIVED</b>	
POWER OF ATTORNEY NAME		POWER OF ATTORNEY SIGNATURE X	
ADDRESS (Street and Number)			
CITY		STATE	ZIP CODE
<b>BENEFICIARY INFORMATION</b>			
<b>ADDITIONAL ACCOUNT SIGNERS</b> (For Estate and Trust accounts, as needed) Line out unused Signature boxes			
PRINT NAME	TITLE	SIGNATURE	
		X	
		X	
		X	
<b>VERIFICATION</b>			
Primary ID-1:OT ID#: EXISTING		St:	Iss: Exp:
ID-2:OT ID#: 5113860081559631965		St:	Iss: Exp:
ChexSystems:Existing Code: SSN-ST YR.		458 605827901 9/11/02	
TU:Existing CDE: FPH.			
Joint ID-1 ID#:		St:	Iss: Exp:
ID-2 ID#:		St:	Iss: Exp:
ChexSystems: Code: SSN-ST YR.			
TU: CDE: FPH.			
<b>NOTARY INFORMATION (For Worldwide Consumer Bank)</b>			
STATE OF		COUNTY OF	
SS.			
On the day of before me personally came			
to me known, and known to me to be the individual described in, and who executed the foregoing instrument, and he acknowledged to me that he executed the same.			
THE ABOVE INFORMATION AND (NO.) SIGNATURE(S) (POA AND ADDITIONAL SIGNERS) WERE VERIFIED BY:			
Print Name:	Initials	Dept. No./Br. No.	
03-9415 (Stock Order #)			

**EXHIBIT C**

Page 26 of 39

May 1, 2007 - May 31, 2007  
Page 7 of 10

Primary Account Number 904-613917

NATIONAL SETTLEMENT AGENCY INC  
ESCROW FUNDING ACCOUNT904-613917  
(continued)NATIONAL SETTLEMENT AGENCY INC  
ESCROW FUNDING ACCOUNT

Withdrawals and Debits	Date	Description	Amount
		CHK# 66157 AMT 32,671.47	
		CHK DATE 05/16/07	
	05/17	Online Transfer To	\$8,000.00
		XXXXXXXX7765	
	05/17	Fedwire Debit	\$32,676.01
	05/17	Online Transfer To	\$46,857.23
		XXXXXXXX3065	
	05/17	Online Transfer To	\$150,000.00
		XXXXX4702	
	05/18	Stop Placed	
		Stop Placed	
		CHK# 66148 AMT 1,063,404.88	
		CHK DATE 05/16/07	
	05/21	Stop Removed	
		STOP REMOVED	
		CHK# 64093 AMT 155,865.00	
		CHK DATE 11/20/06	
	05/22	Stop Placed	
		Stop Placed	
		CHK# 65960 AMT 35,994.84	
		CHK DATE 05/07/07	
	05/22	Fedwire Debit	\$35,994.84
	05/22	Aip Overnight Investment	\$43,335.00
		AIP PURCHASE OF J.P. MORGAN CHASE	
		& CO. COMMERCIAL PAPER.	
		CPSWP052207	
	05/23	Stop Placed	
		Stop Placed	
		CHK# 66115 AMT 82,196.93	
		CHK DATE 05/15/07	
	05/23	Online Transfer To	\$4,000.00
		XXXXXXXX3065	
	05/23	Aip Overnight Investment	\$24,370.00
		AIP PURCHASE OF J.P. MORGAN CHASE	
		& CO. COMMERCIAL PAPER.	
		CPSWP052307	
	05/23	Online Transfer To	\$41,234.88
		XXXXXXXX3065	
	05/23	CHIPS Debit	\$82,196.93
	05/23	Fedwire Debit	\$606,455.52
	05/24	Electronic Funds Transfer	\$3,581.48
		ORIG CO NAME:GREENPOINT MORTG	
		ORIG ID:1943179980 DESC DATE:070524	
		CO ENTRY DESCR:MORTG PMT SEC:TEL	
		TRACE#:021000025441695 EED:070524	
		IND ID:145586913	
		IND NAME:RYAN VILLANTE, CAROL	
		1620000480 GAPA1	
	05/24	Online Transfer To	\$90,000.00
		XXXXX4702	
	05/24	Fedwire Debit	\$142,451.49
	05/24	Online Transfer To	\$400,000.00
		XXXXXXXX5265	
	05/24	Fedwire Debit	\$726,934.24
	05/25	Stop Placed	
		Stop Placed	
		CHK# 65820 AMT 47,751.00	
		CHK DATE 04/20/07	
	05/25	Stop Placed	
		Stop Placed	
		CHK# 65822 AMT 11,395.00	

Page 33 of 39

June 1, 2007 - June 29, 2007

Page 6 of 10

Primary Account Number 904-613917

NATIONAL SETTLEMENT AGENCY INC  
ESCROW FUNDING ACCOUNT904-613917  
(continued)NATIONAL SETTLEMENT AGENCY INC  
ESCROW FUNDING ACCOUNT

Withdrawals and Debits	Date	Description	Amount
		CHK# 66003 AMT 368,031.82	
		CHK DATE 05/03/07	
	06/15	Stop Placed	
		Stop Placed	
		CHK# 66066 AMT 3,912.50	
		CHK DATE 05/11/07	
	06/15	Stop Placed	
		Stop Placed	
		CHK# 66254 AMT 106,747.59	
		CHK DATE 06/04/07	
	06/15	Account Analysis Settlement Charge	\$1,420.09
		ACCOUNT ANALYSIS SETTLEMENT CHARGE	
	06/15	Electronic Funds Transfer	\$13,468.26
		ORIG CO NAME:ARN AMRO	
		ORIG ID:1943179980 DESC DATE:070615	
		CO ENTRY DESCR:MORTG PMT SEC TEL	
		TRACE#:021000024065012 EED:070615	
		IND ID:146130155	
		IND NAME:YASGUR, JOEL	
		1620000330 GAPA1	
	06/18	Stop Removed	
		STOP REMOVED	
		CHK# 64520 AMT 480,084.17	
		CHK DATE 12/18/06	
	06/18	Stop Removed	
		STOP REMOVED	
		CHK# 64541 AMT 22,169.90	
		CHK DATE 12/18/06	
	06/18	Stop Placed	
		Stop Placed	
		CHK# 66354 AMT 398,390.00	
		CHK DATE 06/14/07	
	06/19	Electronic Funds Transfer	\$8.00
		ORIG CO NAME:AMC Mortgage Ser	
		ORIG ID:2223874234 DESC DATE:070618	
		CO ENTRY DESCR:MORTGAGE SEC TEL	
		TRACE#:021000028726613 EED:070619	
		IND ID:0123765927	
		IND NAME:JOHN J FAUGHEY	
		SPEEDPAY	
	06/19	Electronic Funds Transfer	\$4,383.29
		ORIG CO NAME:AMC Mortgage Ser	
		ORIG ID:4223874234 DESC DATE:070618	
		CO ENTRY DESCR:MORTGAGE SEC TEL	
		TRACE#:021000028726611 EED:070619	
		IND ID:0123765927	
		IND NAME:JOHN J FAUGHEY	
		SPEEDPAY	
	06/21	Stop Placed	
		Stop Placed	
		CHK# 66262 AMT 238,825.28	
		CHK DATE 06/06/07	
	06/22	Stop Placed	
		Stop Placed	
		CHK# 66349 AMT 8,780.72	
		CHK DATE 06/15/07	
	06/22	Fedwire Debit	\$8,780.72
	06/22	Online Transfer To	\$230,000.00
		XXXXXXXX5265	
	06/25	Stop Removed	
		STOP REMOVED	

**EXHIBIT D**



June 01, 2007 through June 29, 2007  
Primary Account: 000000740084702

# DEPOSITS AND ADDITIONS (continued)

DATE	DESCRIPTION	AMOUNT
06/11	Online Transfer From Xxxx3917 Transaction #:71389000	65,000.00
06/12	Fed Wire Credit Via: E Trade Bank/256072691 Ref: Chase Nyc/Ctr/Bnf=National Settlement Agency Inc New York NY 10016/Ac-000009870967 Rfb=O/B Etrade Bank Obi=Borrower=Moussa Loan#=Em070403016 Ref#=125518 Order#=FT125518 Bbi=/Time/16:05 Imad: 0612E6B7011C000245 Tm: 0638907163Ff	413,764.63
06/12	Online Transfer From Chk Xxxxx4702 Transaction#: 71551958	464,000.00
06/12	Online Transfer From Chk Xxxxx4702 Transaction#: 71514216	295,589.93
06/14	Fed Wire Credit Via: E Trade Bank/256072691 Ref: Chase Nyc/Ctr/Bnf=National Settlement Agency Inc New York NY 10016/Ac-000009870967 Rfb=O/B Etrade Bank Obi=Borrower=Costa Loan#=Em070120030 Ref#=R71757-R07 Order#=4587-2007 Bbi=/Time/16:14 Imad: 0614E6B7011C000235 Tm: 0600013165Ff	267,962.57
06/14	Fed Wire Credit Via: E Trade Bank/256072691 Ref: Chase Nyc/Ctr/Bnf=National Settlement Agency Inc New York NY 10016/Ac-000009870967 Rfb=O/B Etrade Bank Obi=Borrower=Garcia Loan#=Em070321087 Ref#=Sgny-5166 Order#=Sgny-5166 Bbi=/Time/15:44 Imad: 0614E6B7011C000205 Tm: 0577508165Ff	150,556.10
06/14	Deposit 2273739	105,391.64
06/18	Fed Wire Credit Via: E Trade Bank/256072691 Ref: Chase Nyc/Ctr/Bnf=National Settlement Agency Inc New York NY 10016/Ac-000009870967 Rfb=O/B Etrade Bank Obi=Borrower=Michniewicz Loan#=Em070420074 Ref#=Em070420074 Order#=3050-193656 Bbi=/Time/13:46 Imad: 0618E6B7011C000206 Tm: 0400308169Ff	143,046.31
06/18	Online Transfer From Chk Xxxxxx5265 Transaction#: 72549476	398,390.00
06/20	Fed Wire Credit Via: E Trade Bank/256072691 Ref: Chase Nyc/Ctr/Bnf=National Settlement Agency Inc New York NY 10016/Ac-000009870967 Rfb=O/B Etrade Bank Obi=Borrower=Bronow Loan#=Em070417088 Ref#=Br29564S Order#=Br29564S Bbi=/Time/12:07 Imad: 0620E6B7011C000148 Tm: 0347308171Ff	856,591.29
06/20	Online Transfer From Chk Xxxxx4702 Transaction#: 72784768	5,500.00
06/21	Fed Wire Credit Via: E Trade Bank/256072691 Ref: Chase Nyc/Ctr/Bnf=National Settlement Agency Inc New York NY 10016/Ac-000009870967 Rfb=O/B Etrade Bank Obi=Borrower=Srbulj Loan#=Em070522091 Ref#=80-1793 Order#=80-00005994 Bbi=/Time/12:54 Imad: 0621E6B7011C000172 Tm: 0319313172Ff	355,547.34
06/21	Fed Wire Credit Via: E Trade Bank/256072691 Ref: Chase Nyc/Ctr/Bnf=National Settlement Agency Inc New York NY 10016/Ac-000009870967 Rfb=O/B Etrade Bank Obi=Borrower=Stoliarov Loan#=Em070307052 Ref#=Stoliarov Order#=828251 Bbi=/Time/12:54 Imad: 0621E6B7011C000168 Tm: 0325408172Ff	88,616.26
06/22	Deposit 113	100.00
06/22	Online Transfer From Chk Xxxxxx5265 Transaction#: 73170693	346,000.00
06/22	Online Transfer From Chk Xxxxxx5265 Transaction#: 73160367	116,000.00
06/22	Online Transfer From Chk Xxxxx4702 Transaction#: 73095331	21,000.00
06/25	Fed Wire Credit Via: E Trade Bank/256072691 Ref: Chase Nyc/Ctr/Bnf=National Settlement Agency Inc New York NY 10016/Ac-000009870967 Rfb=O/B Etrade Bank Obi=Borrower=Tynan Loan#=Em070326084 Ref#=Tynan Order#=At07-9084W Bbi=/Time/15:02 Imad: 0625E6B7011C000261 Tm: 0564413176Ff	401,000.00
06/25	Fed Wire Credit Via: E Trade Bank/256072691 Ref: Chase Nyc/Ctr/Bnf=National Settlement Agency Inc New York NY 10016/Ac-000009870967 Rfb=O/B Etrade Bank Obi=Borrower=Tynan Loan#=Em070326078 Ref#=Tynan Order#=At07-9084W Bbi=/Time/15:02 Imad: 0625E6B7011C000260 Tm: 0572507176Ff	392,119.65





June 01, 2007 through June 29, 2007  
Primary Account: 000000740084702

**DEPOSITS AND ADDITIONS** (continued)

DATE	DESCRIPTION	AMOUNT
06/25	Online Transfer From Chk Xxxxxxx5265 Transaction#: 73531580	18,340.35
06/25	Online Transfer From Chk Xxxxxxx5265 Transaction#: 73423347	5,000.00
06/26	Fed Wire Credit Via: Indymac Bank F.S.B./322270288 B/O: Mortgage Bank Funding Account Pasadena, CA 91101 Ref: Chase Nyc/Ctr/Bnf=National Settlement Agency Inc New York NY 10016/Ac-000009870967 Rfb=O/B Indymac Bk F Obi=Order # Cedric Holder Bbi=/Imad: 0626L1Lfb39C001461 Tm: 0630314177Ff	562,657.58
06/26	Fed Wire Credit Via: E Trade Bank/256072691 Ref: Chase Nyc/Ctr/Bnf=National Settlement Agency Inc New York NY 10016/Ac-000009870967 Rfb=O/B Etrade Bank Obi=Borrower=Zebedee Loan#=Em070516012 Ref#=Zebedee Order#=Zebedee Bbi=/Time/12:34 Imad: 0626E6B7011C000144 Tm: 0282603177Ff	147,218.29
06/26	Online Transfer From Chk Xxxxxxx5265 Transaction#: 73582146	40,000.00
06/27	Online Transfer From Chk Xxxxxxx3065 Transaction#: 73788996	407,000.00
06/27	Online Transfer From Chk Xxxxx4702 Transaction#: 73835262	146,000.00
06/27	Online Transfer From Chk Xxxxxxx3065 Transaction#: 73737759	40,000.00
06/27	Online Transfer From Chk Xxxxxxx3065 Transaction#: 73767663	35,000.00
06/27	Online Transfer From Xxxx3917 Transaction #:73880742	21,345.56
06/29	Fed Wire Credit Via: Lasalle Bank Midwest N.A./072000805 B/O: Aamg Originations Funding Troy MI 48084 3323 Ref: Chase Nyc/Ctr/Bnf=National Settlement Agency Inc New York NY 10016/Ac-000009870967 Rfb=2337674380 Obi=If Loan ID 656325310 Emmanuel Ochimad: 0629G1B7781C005650 Tm: 0502902180Ff	347,249.74
06/29	Fed Wire Credit Via: E Trade Bank/256072691 Ref: Chase Nyc/Ctr/Bnf=National Settlement Agency Inc New York NY 10016/Ac-000009870967 Rfb=O/B Etrade Bank Obi=Borrower=Buonato Loan#=2005400057 User=Vmanno Bbi=/Time/11:03 Imad: 0629E6B7011C000124 Tm: 0327702180Ff	215,855.49
06/29	Fed Wire Credit Via: E Trade Bank/256072691 Ref: Chase Nyc/Ctr/Bnf=National Settlement Agency Inc New York NY 10016/Ac-000009870967 Rfb=O/B Etrade Bank Obi=Borrower=Keenan Loan#=Em070507134 Ref#=Keenan Order#=FTI C-21225 Bbi=/Time/15:25 Imad: 0629E6B7011C000286 Tm: 0859709180Ff	137,967.07
06/29	Fed Wire Credit Via: E Trade Bank/256072691 Ref: Chase Nyc/Ctr/Bnf=National Settlement Agency Inc New York NY 10016/Ac-000009870967 Rfb=O/B Etrade Bank Obi=Borrower=Solyn Loan#=Em070530115 Ref#=M07-0076 Order#=M07-0076 Bbi=/Time/16:54 Imad: 0629E6B7011C000340 Tm: 1070103180Ff	69,550.03
06/29	Fed Wire Credit Via: E Trade Bank/256072691 Ref: Chase Nyc/Ctr/Bnf=National Settlement Agency Inc New York NY 10016/Ac-000009870967 Rfb=O/B Etrade Bank Obi=Borrower=Solyn Loan#=Em070611106 Ref#=M07-0076 Order#=M07-0076 Bbi=/Time/16:54 Imad: 0629E6B7011C000341 Tm: 1036513180Ff	13,275.00
06/29	Online Transfer From Xxxx3917 Transaction #:74203700	100,000.00
<b>Total Deposits and Additions</b>		<b>\$8,871,149.45</b>



**EXHIBIT E**

11:02:30

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x

INDYMAC BANK, F.S.B.,

Plaintiff,

**COPY**

Civil Action No.

-against-

07 CV 6865 (LTS)

NATIONAL SETTLEMENT AGENCY, INC.;

STEVEN M. LEFF; RACHEL M. LEFF;

RICHARD A. LEFF, JOHN DOES 1-100,

Defendants.

-----x

August 9, 2007

10:45 a.m.

Deposition of RICHARD A. LEFF, taken by  
Plaintiff, pursuant to Agreement, at the offices  
of Feldman Weinstein & Smith, LLP, 420 Lexington  
Avenue, New York, New York, before William  
Visconti, a Shorthand Reporter and Notary Public  
within and for the State of New York.

1  
2 A P P E A R A N C E S:

3 FELDMAN WEINSTEIN & SMITH, LLP

Attorneys for Plaintiff

4 420 Lexington Avenue

New York, New York 10170-0002

5  
6 BY: ERIC WEINSTEIN, ESQ.

YONK HAK KIM, ESQ.

DAVID J. GALALIS, ESQ.

7  
8 MICHAEL L. SOSHNICK, ESQ.

9 Attorneys for The Witness

190 Willis Avenue

10 Mineola, New York 11501  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1

RICHARD A. LEFF

1:37:40 2

A. No.

1:37:42 3

Q. Did he?

1:37:42 4

A. He is in the process of getting a

1:37:46 5

divorce, so I believe she is down in Florida.

1:37:50 6

Q. The East Hampton house, was that sort

1:37:50 7

of a weekend summer house?

1:37:54 8

A. They were there mostly in the summer,

1:37:56 9

yes. She would live out there in the summer.

1:37:58 10

Q. When they were together they lived in

11:38:04 11

the Trump World Tower apartment?

11:38:06 12

A. They lived on 82nd Street. I think

11:38:08 13

they rented an apartment and they were living

11:38:16 14

there for years and he got the Trump World Tower

11:38:18 15

after she left to Florida and he moved in there.

11:38:22 16

Q. When did she leave for Florida?

11:38:26 17

A. Approximately six, seven months ago.

11:38:30 18

MR. SOSHNICK: Off the record.

19

(Discussion off the record.)

11:38:50 20

Q. Have you talked with Rachel Leff

11:38:54 21

about the reasons for her moving to Florida?

11:38:54 22

A. No.

11:38:56 23

Q. When was the last time that you spoke

11:38:58 24

with her?

11:39:08 25

A. It had to be over six, seven months

1

RICHARD A. LEFF

1:39:08 2 ago.

1:39:12 3 Q. Did you speak with Steven Leff about  
1:39:14 4 the reason for Rachel Leff moving to Florida a  
1:39:16 5 few months ago?

6 A. Yes.

1:39:18 7 Q. What did he tell you?

1:39:20 8 A. That she moved out, just left every  
1:39:22 9 one.

1:39:24 10 Q. Did he say it had anything to do with  
1:39:24 11 the business?

1:39:26 12 A. No.

1:39:26 13 Q. Or business that he was running?

1:39:26 14 A. No.

1:39:42 15 Q. Does he live with anybody else at  
16 this time?

1:39:44 17 A. His two kids.

1:39:46 18 Q. What are their names?

1:39:52 19 A. Sammy is 10 and Ryan is 7.

1:39:54 20 Q. Sammy and Ryan are boys?

1:39:54 21 A. Yes, boys.

1:39:56 22 MR. WEINSTEIN: Off the record.

23 (Discussion off the record.)

11:40:06 24 Q. Do you have any other siblings  
11:40:10 25 besides Steven Leff?

1

RICHARD A. LEFF

2:19:36 2

A. I don't know.

2:19:36 3

Q. You don't know?

2:19:36 4

A. I don't know that.

2:19:38 5

Q. Did you speak with her about her

2:19:40 6

conversations or meetings with Steven?

2:19:40 7

A. Never.

12:20:06 8

Q. So, other than the 15 Annville Court

12:20:12 9

home in East Hampton, do you know whether Steven

12:20:16 10

or Rachel Leff owns other properties?

12:20:18 11

A. I do show she is living down in

12:20:24 12

Florida right now, I believe in the Adventura

12:20:28 13

area at a place called Ocean Terrace. I don't

12:20:30 14

know if she owns or rents.

12:20:34 15

Q. Does Steven own any cars?

12:20:36 16

A. He has a black suburban.

12:20:38 17

Q. That he owns or leases?

12:20:46 18

A. I think he owns and there was a white

12:20:54 19

four door Mercedes AMG which I think Rachel has.

12:20:56 20

Q. What about a boat?

12:20:58 21

A. He had two jet skis last year and he

12:21:04 22

sold the jet skis and got a motorcycle.

12:21:06 23

Q. As far as you know he still has the

12:21:06 24

motorcycle?

12:21:06 25

A. Yes.